

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JASON PERRY,

Petitioner,

v.

Civil Action No. 2:19-cv-00188

KAREN PSZCZOLKOWSKI, Warden,

Respondent.

MEMORANDUM OPINION AND ORDER


This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to the court of the Proposed Findings and Recommendation ("PF&R") for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). On March 10, 2020, the magistrate judge entered the PF&R recommending that the court grant respondent's request for dismissal, deny petitioner's "Application for Federal Intervention and Exhaustion of State Remedies to be Mandated Ineffective so Petitioner may Proceed by 28 U.S.C. § 2254," dismiss without prejudice petitioner's "Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody," and remove this matter from the court's docket.

There being no objection filed to the PF&R, it is
ORDERED as follows:

1. That the magistrate judge's Proposed Findings and Recommendation be, and they hereby are, adopted and incorporated in full;
2. That the respondent's request for dismissal be, and hereby is, granted;
3. That the petitioner's "Application for Federal Intervention and Exhaustion of State Remedies to be Mandated Ineffective so Petitioner may Proceed by 28 U.S.C. § 2254" be, and hereby is, denied;
4. That the petitioner's "Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody" be, and hereby is, dismissed without prejudice; and
5. That this case be, and hereby is, dismissed without prejudice and stricken from the court's docket.

The Clerk is directed to forward copies of this memorandum opinion and order to the plaintiff, all counsel of record, and the United States Magistrate Judge.

Enter: April 17, 2020


John T. Copenhaver, Jr.
Senior United States District Judge